



PTO/SB/51 (12-97)  
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

076565-0115

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,842,486, granted 12/01/1998, and for which a reissue patent is sought on the invention entitled HERMETICALLY SEALED COSMETIC COMPACT CASE

the specification of which

☐ is attached hereto.

☒ was filed on December 21, 1999 as reissue application number 09 / 469,494  
and was amended on December 21, 1999 by Preliminary Amendment.  
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

For example, dependent Claim 20, which issued in U.S. Patent No. 5,842,486, was rejected by the Examiner in U.S. Patent Application No. 09/469,494 under 35 U.S.C. § 102(a) as being known or used by others in this country or patented or described in a printed publication in this or a foreign country before the invention thereof by the applicant for a patent, and under 35 U.S.C. § 102(e) as being described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent.

All errors corrected in this reissue application arose without any deceptive intention on the part of the Applicant.

Page 1 of 5

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**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**HERMETICALLY SEALED COSMETIC COMPACT CASE**

**(Attorney Docket No. 76565-115)**

the specification of which (check one)

       is attached hereto.

  X   Was filed on December 21, 1999 as reissue application number 09/469,494 and was amended on December 21, 1999 by preliminary amendment.

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

---

RUSSELL J. BARRON

Reg. No. 29,512

DAVID J. BATES	Reg. No. 39,902
STEVEN C. BECKER	Reg. No. 42,308
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WALTER E. ZIMMERMAN	Reg. No. 40,883

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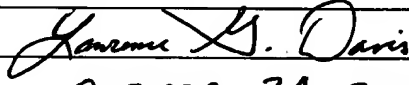
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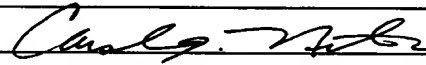
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Telephone: (414) 297-5654  
Facsimile: (414) 297-4900

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Lawrence G. Davis
Residence	Menomonee Falls, WI
Citizenship	United States of America
Post Office Address	N66 W12776 Ravine Drive, Menomonee Falls, WI 53051
Inventor's signature	
Date	OCTOBER 24, 2000

Name of second inventor	Carol J. Nikolaus
Residence	Shorewood, Wisconsin
Citizenship	United States of America
Post Office Address	1300 E. Lawnwood Place, Shorewood, Wisconsin 53211
Inventor's signature	
Date	October 19, 2000

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**REISSUE APPLICATION BY THE ASSIGNEE,  
OFFER TO SURRENDER PATENT**

Docket Number (Optional)

076565-0115

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s):

Lawrence G. Davis and Carol J. Nikolaus

Patent Number

5,842,486

Date Patent Issued

12/01/1998

Title of Invention

HERMETICALLY SEALED COSMETIC COMPACT CASE

Rexam Cosmetic Packaging, Inc. is the assignee of the entire interest in the original patent.

I offer to surrender the original patent.

☒ A certificate under 37 CFR 3.73(b) is attached.

I am authorized to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

Name of assignee

Rexam Cosmetic Packaging, Inc.

Signature of person signing for assignee

Date

11/16/99

Typed or printed name and title of person signing for assignee

Robert J. Schlitt - Vice President

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Applicant/Patent Owner: Davis et al.

Application No./Patent No.: 5,842,486 Filed/Issue Date: 11/25/1997; 12/01/1998

Entitled: HERMETICALLY SEALED COSMETIC COMPACT CASE

Bexam Cosmetic Packaging, Inc.

a Corporation

**(Name of Assignee)**

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

**OR**

**B. [X] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:**

1. From: Lawrence G. Davis and Carol J. Nikolay Sussex Plastics Inc.

The document was recorded in the Patent and Trademark Office at  
Reel 8925, Frame 0703, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
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3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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[ X ] Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

11/16/99

Date \_\_\_\_\_

**Signature**

Robert J. Schmitt

**Typed or printed name**

**Vice President-Rexam Cosmetic Packaging, Inc.**

### Title

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